

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,  
vs.  
MIGUEL NOLASCO-HERNANDEZ, Defendant. } Case No. 12-CR-2019 L  
} ORDER DENYING MOTION TO VACATE [ECF No. 26.] }

Pending before the Court is Petitioner Miguel Nolasco-Hernandez's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255. [ECF No. 26]). The Court has reviewed the Motion, as well as the relevant records on the docket.

The record establishes that on June 14, 2012, Petitioner entered into a fast-track Plea Agreement, and waived both his right to appeal and collaterally attack his conviction and sentence. (*Plea Agreement* [Doc. 16] ¶ 11.) He claims that his attorney did not inform him of the consequences of waiving his rights, and therefore he did not make an intelligent and educated waiver of his rights. However, a thorough review of the Plea Agreement shows that Petitioner knowingly and voluntarily waived his right to appeal and collaterally attack his sentence. This Court, therefore, lacks jurisdiction to consider any collateral

1 challenge to his conviction and sentence. See Washington v. Lampert, 422 F.3d  
2 864 F.3d 864, 869–70 (9th Cir. 2005) (recognizing that if sentencing stipulation's  
3 waiver of the right to file a federal habeas petition was valid, district court lacked  
4 jurisdiction to hear the case).

5 Accordingly, the Court **DENIES** the Motion [ECF No. 26].

6 **IT IS SO ORDERED.**

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8 DATED: August 15, 2013

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M. James Lorenz  
United States District Court Judge

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